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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTER FOR INVESTIGATIVE
REPORTING, ET AL.,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF STATE,)

Defendant.)

CASE NO. 18-06163 JCS

**RESPONSE TO ORDER TO SHOW
CAUSE AND REQUEST FOR
DISMISSAL; [PROPOSED] ORDER**

1 Plaintiffs and Defendant hereby file this response to the Court's September 9, 2019
2 Order to Show Cause [ECF No. 26], request dismissal of this matter pursuant to Federal
3 Rule of Civil Procedure 41, and respectfully state as follows:

- 4 1. The failure of Plaintiffs and Defendant to appear at the case management
5 conference was not the result of delay or disregard, and both parties apologize to
6 the Court.
- 7 2. Counsel for Plaintiffs and Defendant have been in consistent ongoing
8 communication in this case, meeting and conferring in an attempt to narrow the
9 scope of issues for resolution by the Court.
- 10 3. In June 2019, Plaintiffs' counsel emailed Defendant a declaration explaining in
11 additional detail where the records should be, based on three independent and
12 reliable sources.
- 13 4. In June 2019, Defendant provided a declaration describing their search. In July
14 2019, Plaintiffs provided Defendant with additional questions. In August 2019,
15 Defendant diligently provided answers to all the questions as well as follow up
16 answers.
- 17 5. After an additional search, it appears that no records exist. Given these
18 circumstances, Plaintiffs agree to dismiss this case.
- 19 6. The parties have worked diligently on this case to ensure all matters are dealt
20 with in a timely manner.

21 WHEREFORE, Plaintiffs and Defendant respectfully request that the Court dismiss
22 this action, and Plaintiffs' counsel respectfully requests the Court vacate the Order to Show
23 Cause.

1 Dated: September 10, 2019

THE CENTER FOR INVESTIGATIVE
REPORTING and LANCE WILLIAMS

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4 s/ D. Victoria Baranetsky
D. Victoria Baranetsky
5 Attorney for Plaintiffs

6 Dated: September 10, 2019

7 DAVID L. ANDERSON
United States Attorney
8 s/ Julie Bibb Davis
Julie Bibb Davis
9 Assistant United States Attorney
10 Attorneys for Defendant
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12

13 **[PROPOSED] ORDER**

14 Pursuant to Stipulation, IT IS SO ORDERED. The Order to Show Cause is VACATED
15 and this action is DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2),
16 with each party to bear its own costs and fees.
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18
19 Dated: 9/11/19


20 THE HONARABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE
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